IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.7893 of 2004

Between:

M/s. Spicy Dresses

4-1-1229, Boggulkunta, Hyderabad - 500 001.
Rep. by its Proprietor Pradeep Kanodia

..... PETITIONER

AND

1) The Deputy Commissioner of Customs,

Inland Container Depot, Sanath Nagar, Hyderabad.

2) The Commissioner of Customs & Central Excise(Appeals),
Lal Bahadur Stadium Road, Basheerbagh, Hyderabad.

3) The Joint Secretary to Government of India,

Ministry of Finance, Department of Revenue,
4th Floor, Jeevan Deep Building, Sansad Marg,
Parliament Street, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus: i) declaring the Order of the Respondent No.3, dated 20-01-2004 and the Orders of the Respondent No.2, dated 30-10-2002 and the orders of the Respondent No.1, dated 21-02-2002, as arbitrary, illegal, violative of the Articles 14, 21 and 300A of the Constitution of India, without Jurisdiction and be pleased to set aside the same.

Counsel for the Petitioner: Sri A. Sudershan Reddy s

Counsel for the Respondents: Sri A. Rajashekar Reddy
Asst. Solicitor General

The Court made the following :

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

The subject matter that arises for our consideration in this writ petition is squarely covered by the decision rendered by us in W.P. No.7892 of 2004, dated 25-04-2005.

Following the said judgment, this Writ Petition is also allowed. The appellate authority is directed to number the appeal preferred by the petitioner and dispose of the same on its own merits, in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of the copy of this order

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B. SUDERSHAN REDDY, J

Date:25-04-2005.

C.V. RAMULU, J

PV

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Monday, the Twenty Fifth Day of April, Two Thousand and Five.

To

1) The Deputy Commissioner of Customs,

Inland Container Depot, Sanath Nagar, Hyderabad.

2) The Commissioner of Customs & Central Excise(Appeals),
Lal Bahadur Stadium Road, Basheerbagh, Hyderabad.

3) The Joint Secretary to Government of India,

Ministry of Finance, Department of Revenue,
4th Floor, Jeevan Deep Building, Sansad Marg,
Parliament Street, New Delhi.

4) Two C.Cs. to the Assistant Solicitor General,
High Court of A.P., Hyderabad, (O.U.T.).

5) Two C.D. copies.